

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FUTURE FIBRE TECHNOLOGIES PTY.  
LTD.,

Plaintiff,

v.

OPTELLIOS, INC.,  
Defendant.

Civil Action No. 09-346-RGA

**ORDER**

Before the Court is the Joint Motion to Correct Inventorship Pursuant to 35 U.S.C. § 256. The Motion does not include any statement from the current named inventors either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, pursuant to § 256's requirement that all concerned parties have notice and an opportunity to be heard. *See FFOC Co. v. Invent A.G.*, 882 F.Supp. 642, 650 (E.D. Mich. 1994); *cf.* 37 C.F.R. §1.324(b) (2011). The Court cannot grant the Joint Motion unless the parties obtain declarations from the current named inventors Jayantilal S. Patel, Zhizhong Zhuang, and Yuri Zadorozhny indicating their position(s) on adding Brian Bourke and Lee McIntosh as inventors on United States Patent No. 7,142,736, or explain why such declarations should not be required.

THEREFORE, the 3<sup>rd</sup> day of January, 2012, the Court **ORDERS** that the Joint Motion is **DENIED** without prejudice.

  
United States District Judge